

2005-19

>>> "Roberts Kengis" <[RKengis@ALLEGANCOUNTY.ORG](mailto:RKengis@ALLEGANCOUNTY.ORG)> 10/5/2006 10:59:25 AM >>>  
Hello,  
I would like to comment on ADM File No. 2005-19, in regards to proposed rule 2.513. (conduct of jury trials).

I am opposed to the following sub rules:

SUB RULE (D): INTERIM COMMENTARY TO JURY

I am opposed to this amendment because I fear it would lead to lawyers taking over the trial, and it would give unethical lawyers a chance to improperly influence a jury. Further it would cause to trials to me much longer than they already are, resulting in unnecessary waste of taxpayers' money and jurors' time.

SUB RULE (E): REFERENCE DOCUMENTS

I don't feel such a 'trial book' is necessary because the jury will see all the exhibits admitted during the trial, they usually have a written copy of the jury instructions, and the lawyers' arguments are in my opinion best presented orally, because they are not evidence.

SUB RULE (F): SUMMARIES OF DEPOSITIONS

Allowing the parties to summarize depositions may lead to inaccurate summaries, and unnecessary bickering between parties who can't agree on an accurate summary.

SUB RULE (G)(3): PANEL DISCUSSION OF EXPERT WITNESSES

Allowing such a panel discussion would be cumbersome and difficult for the court to control. However, allowing experts to testify in succession is a good idea.

SUB RULE (M): COMMENT ON EVIDENCE BY JUDGE

I disagree with this idea because it is potentially dangerous. Most judges are unbiased, but some judges are biased either for or against certain parties, attorneys, and or cases, and allowing such comment could improperly influence the jury.

I support the following rules:

SUB RULE (K): JUROR DISCUSSIONS DURING TRIAL

I don't see any harm in allowing the jurors to discuss the evidence during the trial because: 1) I think they do it anyway; and 2) I believe it would be useful for them to discuss and evaluate each witness as soon as possible after they testify.

SUB RULE (N)(2): IMMEDIATE QUESTIONS POST INSTRUCTIONS

Allowing the jurors to ask questions immediately after receiving instructions could save time.

SUBRULE(N)(3): REQUIRING JURY TO HAVE WRITTEN COPY OF INSTRUCTIONS

Our circuit court judges routinely do this and I feel it is beneficial for the jurors.

Thank you for the opportunity to comment.

Sincerely,

Roberts Kengis  
Assistant Prosecuting Attorney  
Allegan County